

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

RICKY JOE USREY,

Plaintiff,

vs.

DENISE DEYOTT and MIKE
FERRITER,

Defendants.

Cause No. CV 12-00092-H-DLC-RKS

ORDER

Plaintiff Ricky Usrey (“Usrey”) has filed a Motion for a Temporary Restraining Order and Preliminary Injunction. Doc. No. 32. Usrey contends he is being denied meaningful access to the courts by continued retaliation against him because he has filed this lawsuit. The motion will be denied.

Federal courts are courts of limited jurisdiction, and as a preliminary matter, the court must have before it an actual case or controversy. *City of Los Angeles v. Lyons*, 461 U.S. 95, 102(1983); *Jones v. City of Los Angeles*, 444 F.3d 1118, 1126 (9th Cir. 2006). If the court does not have an actual case or controversy before it, it has no power to hear the matter in question. *Id.*

This action is proceeding against Defendants for allegedly interfering with Usrey's mail. The relief sought in Usrey's motion does not relate to and would not remedy the claims upon which this action is based. Thus, the Court lacks jurisdiction to issue the order sought by Usrey.

IT IS ORDERED that:

Usrey's Motion for Temporary Restraining Order and Preliminary Injunction (Doc. No. 32) is denied.

DATED this 30th day of July, 2013.

/s/ Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court